

Now, Mr. Chairman, a very interesting phrase was used here this morning: administrative courts.

I think it hits very well to the very heart of this entire situation. I suggest to you, Mr. Chairman, that what we will do is cause subterfuge in the future.

There is already concern on the matter of who will be sitting in juvenile court.

Is this a concern? Certainly so. Not one person in this room would want to have his 13 or 14-year old son tried by the same judge who just recently got through a murder case, or who just recently got through a bad robbery case.

Specialties must exist within our system, or it will be self-defeating.

We know about a tax court at this time, operated by specialists. We know about an administrative court called Workmen's Compensation Commission, which handles specialties.

As the vote population increases, it will be necessary for us to consider worrying about who is going to try both cases. There will be more airplanes and more helicopters. Who will be handling those cases?

If you do not have some advance information in these fields you must do a great deal of study before each case. This is fine as long as the docket is not crowded, but as the population grows, and these cases grow, it will be impossible for a judge to take out two or three or four days to study in advance about the specialties.

We must leave room within this system for specialties.

THE CHAIRMAN: Delegate Rybczynski, you have a little less than half a minute.

DELEGATE RYBCZYNSKI: I am going to suggest to Chairman Mudd that if he in fact prevails on this question, he must give some consideration to placing in another section of this same article the words "non-rotating," so that there will be judges available within specialties who are specialists.

I suggest to you, Mr. Chairman, that this is an excellent amendment.

THE CHAIRMAN: Does any delegate desire to speak in opposition?

Delegate Clagett?

DELEGATE CLAGETT: Mr. Chairman, I rise in opposition to the amendment be-

cause I am persuaded by the argument of the majority, both through its Chairman and Delegate Henderson and others.

I wish to draw a very simple parallel, and ask that this be considered carefully, particularly by those who are not lawyers, but who have expressed concern about the concentration of the judicial power in the judiciary, free of legislative tampering by use of the word "exclusively."

Assume for the moment that your business is an insurance business, and it is an incorporated business, with the officers and usual board of directors.

Is it not logical, and is it not the best method of procedure, to permit those officers or that board of directors to determine the necessity of an additional assistant in the activity of that business?

For example, you want to expand and take on another line of insurance, assuming for the moment that it is home owners liability or fire or some other specialized type of insurance activity.

Is it not the best way of approaching that need for the officers and the board of directors to determine that this additional desk shall be added, and the additional secretary to assist that particular assistant, rather than permitting the stockholders of the corporation to make such a decision? Would the stockholders not be more susceptible to outside influences, rather than aware of the orderly operation and management and function of the internal affairs of the particular business? And should not those officers be the ones to determine whether or not that additional desk and the accompanying secretarial assistant, et cetera, be added.

It seems to me that logic persuades us that the answer is certainly in the affirmative, and by using that simple parallel, I think you can appreciate what is being attempted to be done by the majority report.

Therefore, I would urge you to vote against this amendment, which would certainly disrupt orderly business procedure.

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment? Delegate Malkus?

DELEGATE MALKUS: Mr. President, I want to remind the members of the legislature that several years ago, when the Court of Appeals was on its knees and begging for the help of a court of special appeals, we had a long and lengthy debate,